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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 IN RE *INACTIVE HANFORD NUCLEAR*
7 RESERVATION LITIGATION,

No. 2:03-CV-9001-WFN
ORDER DISMISSING CASE
WITHOUT PREJUDICE

This Court created the Inactive Docket for those Hanford Litigation claims subject to dismissal due to the fact that claimants had not asserted claims for any manifest disease or bodily injury associated with alleged exposure. See *In Re Berg Litigation*, 293 F.3d 1191 (9th Cir. 2002). The Court issued a Show Cause Order on October 19, 2015 asking why the inactive case should not be dismissed.

The Court dismissed the primary Hanford Litigation case with prejudice following decades of litigation on January 28, 2016. Two claimants, Lillian Mustola Boyle and Shon T. McCauley, requested extensions to respond to the Court's Show Cause Order. Both had been represented by Mr. Foulds and each indicated that they were seeking to retain new counsel. Ms. Boyle's daughter, Shannon Benson, requested an extension on Ms. Boyle's behalf. The Court extended the deadline to respond to the Show Cause Order by over two months. Neither claimant filed a response to the Order to Show Cause; instead, each asks for another extension. Ms. Benson requests an additional year.

At this point, the Court has provided ample time for Plaintiffs to respond to the Order to Show Cause. There is no need to further prolong the case for claims likely subject to dismissal. The Court has reviewed the file and is fully informed. Accordingly,

IT IS ORDERED that the Inactive Hanford Litigation shall be **DISMISSED** without prejudice.

ORDER DISMISSING CASE
WITHOUT PREJUDICE - 1

1 The District Court Executive is directed to file this Order and provide copies to
2 counsel, Shannon Benson and Shon McCauley **and to CLOSE THIS FILE.**

3 **DATED** this 10th day of February, 2016.

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s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE